

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  ) 4:05CR3035-1  
v.                             )  
                                  )  
JOSE ENRIQUE AYALA CHAVEZ, )  
                                  )  
                                  )  
Defendant.                    )  
                                  )  
\_\_\_\_\_

IT IS ORDERED:

Defendant's motion to continue, filing 39, is granted and,

1. Trial is continued to 9:00 a.m., October 11, 2005 for a duration of four trial days before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between July 28, 2005 and October 11, 2005 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice.

18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28<sup>th</sup> day of July, 2005.

BY THE COURT:

s/ *David L. Piester*  
David L. Piester  
United States Magistrate Judge